

IN the United States
District Court Western
Division

FILED
JAMES BONINI
CLERK

2004 MAR 29 PM 1:27

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI 9

1:01CV739

DLOTT

Royshon Watley

vs

MONTE PARKS ETAL

now comes plaintiff Royshon Watley
making his objections to magistrate
perelman Report and Recommendation

Plaintiff Request that District Judge
Dlott denies the magistrate perelman
Report and Recommendation the Reason
are set forth in the attached ~~memorandum~~
memorandum

The Magistrate asserts that defendant's motion should be granted because defendant's present evidence relevant to plaintiff's claims that he was denied medical care for nerve damage for lower back and left elbow. The Magistrate asserts that from November 29, 2000 and August 15, 2002 there were 44 doctor's orders written for Wotley.

While the Record shows there was orders written for plaintiff. The Record also shows none of the order that was written for Wotley's Back or elbow was ~~do~~ does the Magistrate alleges or states that ~~do~~ any of these 44 order was ordered for Wotley's Back or elbow.

The Magistrate then goes to ~~note~~ note that Wotley received an epidural injection and an elbow splint and prescription medication there was orders for the brace but defendant's denied Wotley this brace as alleged in his Complaint. Mr. Wotley did not receive the epidural injection until after the Chief Inspector ordered ~~the~~ defendant's to treat Wotley.

The magistrate does not even refer to Wotley's evidence where the chief inspector ordered defendants to treat Wotley for his back because he was being denied treatment or when the defendant was ordered to allow ~~me~~ me to sign up for sick call because Wotley was being denied to sign up for sick call.

The treatment Wotley received didn't occur until the defendant was ordered to treat Wotley. The magistrate does not even mention the time for when Wotley didn't receive treatment and the 44 orders none of those orders was ordered for Wotley's elbow or back and there's no evidence showing ~~the~~ they act where.

The magistrate also states that the pain medication that Wotley was denied was so ~~denied~~ denied that ~~the~~ the specialist at C.M.C. order was changed. Defendants sent Wotley to see the specialist because ~~the~~ they could not treat Wotley's problems then they change the medication. Courts have held that interfering with treatment constituted deliberate indifference (see) *Estelle v. Gamble* 429 U.S. 97, 105; *Aswegan v. Brhl* 965 F.2d 676.

677-78 (8th CIR 1992)

The Magistrate also notes that Plaintiff was monitored while the Razor was in his system. If the Magistrate would have looked at the dates of the X-Rays and look at what the X-Rays was taken for ~~for~~ he would have seen that defendants did not monitor Wotley while the Razor was in his system. ~~Because~~ The defendant's was waiting until Wotley was injured until they took any action

Plaintiff was also denied discovery with ultimately ~~denied~~ prevented Wotley from presenting ~~more~~ more evidence ~~the~~ Courts have held that ~~the~~ summary judgment should not be granted when plaintiff has ~~not~~ been denied discovery (see) *Musek v. Gehring* 400 F.3d 11 Dist. 2002 *Celotex Corp v. Catlett* 477 U.S. 317 (1986)

for these reason the ~~magistrate~~ plaintiff's makes his objection

Rupprecht

Copy of the following was sent
to Madison Pressnow at 1600 Cedar
Tower 441 via St. Croix at 06:45:00
on this 22nd day of March 2004

Ryan Welf